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PATENT

CUSTOMER NUMBER 22,852

Attorney Docket No. 01064.0011-05000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OFFICE

In re Application of:

Richard LEVY

Serial No. 09/359,809

Filed: July 23, 1999

For: LUBRICANT COMPOSITIONS  
AND METHODS

BOX M FEE

Group Art Unit: 1714

Examiner: M. Medley

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTENTION: OFFICE OF FINANCE  
BOX M FEE

Sir:

REQUEST FOR REFUND

The Examiner issued a Restriction Requirement on November 1, 2000 in this application and telephoned applicant's attorneys on April 27, 2001 saying that the restriction requirement was rescinded, which the Examiner confirmed in writing with an Interview Summary, also dated April 27, 2001 and which required applicant to respond to provide a separate record of the substance of the interview. Applicant responded on May 3, 2001 and requested the Examiner to notify applicant's attorneys if she did not consider the November 6, 2000 Office Action withdrawn, and that applicant's attorneys did not have to file a response or a five month extension of time to prevent the application from becoming abandoned.

In the May 3, 2001 response, applicant's attorneys also requested that if filing

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the response required an extension of time pursuant to 37 C.F.R. §1.136 and payment of an extension fee or other fee, they requested such an extension, and payment of any fee due from their Deposit Account No. 06-0916.

The Examiner never required a response to the November 1, 2000 Office Action but instead issued an Office Action on July 5, 2001 stating the "the restriction requirement made in Paper No. 7 dated November 6, 2000. . . [was] withdrawn. . . ." (July 5, Office Action, page 2, paragraph 1).

The Patent and Trademark Office nonetheless debited applicant's attorneys Deposit Account No. 06-0916 on May 9, 2001 in the amount of \$1,890.00 for a five month extension of time, which, based on the subsequent prosecution of the application, applicant did not have to pay since the Examiner withdrew the November 1, 2000 Office Action. Stated otherwise, there was no longer any Office Action to respond to, and applicant therefore did not have to respond with an extension of time.

On November 8, 2001, applicant's attorneys filed a request for a refund in the amount of \$1,890.00 based on the foregoing reasons, however, The Patent and Trademark Office only refunded \$890.00 of the amount requested, leaving a balance of \$1,000.00 outstanding, and due and owing to applicant's attorneys.

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Accordingly, applicant's attorneys respectfully request that the Patent and Trademark Office refund the balance due of \$1,000.00 to their Deposit Account No. 06-0916 in view of the foregoing.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: -

  
Robert J. Eichelburg  
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Dated: November 22, 2002

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